

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 : MDL No.: 1:03-md-1570 (GBD)

This Document Relates to: :
: :
Fiona Havlish, et al., v. Bin-Laden, et al., :
1:03-CV-09848 :

x

MOTION TO VOLUNTARILY DISMISS PLAINTIFF
JANET CALIA, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF
DOMINICK CALIA, WITHOUT PREJUDICE IN ORDER TO PURSUE HER CLAIM
IN THE RELATED MATTER OF ASHTON, et al. v. AL QAEDA, et al. 02-CV-7214

Plaintiff, Janet Calia, individually and as Executrix of the Estate of Dominick Calia, respectfully requests that this Honorable Court enter an Order in the form attached dismissing her claim in the above-captioned *Havlish* matter so she may continue to pursue her claim in the related *Ashton* matter, and in support thereof avers the following:

1. Plaintiff, Janet Calia is an adult individual and resident of the State of New Jersey.
2. Plaintiff's decedent, Dominick Calia was a victim of the terrorist attacks in New York on September 11, 2001.
3. Plaintiff Janet Calia has been appointed Executrix of the Estate of Dominick Calia.

4. In the aftermath of the September 11 attacks, Plaintiff Janet Calia sought legal representation from the undersigned counsel and became a named Plaintiff in the matter styled *Havlish, et al. v. bin-Laden, et al.*, U.S.D.C., S.D.N.Y., No. 03-cv-09848.

5. At the same time, Plaintiff, Janet Calia, sought legal representation from the law firm of Kreindler & Kreindler and became a named Plaintiff in the matter styled *Ashton, et al. v. Al Qaeda, et al.*, U.S.D.C., S.D.N.Y., No. 02-cv-07214.

6. Both the *Havlish* case and the *Ashton* case are part of MDL 1570, *In re: Terrorist Attacks on September 11, 2001.*

7. Plaintiff, Janet Calia has notified the undersigned counsel that she wishes to voluntarily dismiss her claim in the *Havlish* case, without prejudice, in order to continue pursuing her claim in the *Ashton* case.

WHEREFORE, Plaintiff, Janet Calia, respectfully requests that this Honorable Court enter an Order in the form attached dismissing her claim in the *Havlish* matter without prejudice and allow her to continue pursuing her claim in the *Ashton* matter.

Respectfully submitted,

/s
Thomas E. Mellon, Jr. (Pa. Bar No. 16767)
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CERTIFICATION OF SERVICE

I, Stephen A. Corr, Esquire, hereby certify that on December 14, 2009 I electronically filed the document with the Clerk of Court using the CM/ECF system and that electronic notice and service will be completed through the ECF system.

Respectfully submitted,

/s
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